

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

OMAR HERNANDEZ AND §
IVAN GERARDO VALDIVIEZO, §
Plaintiffs, §
v. § Cause No. 15-CV-079-PRM
MN LOGISTICS, INC. AND §
CLARENCE GUY, §
Defendants. §

JOINT STIPULATION OF DISMISSAL WITH PREJUDICE

TO THE SAID HONORABLE JUDGE OF SAID COURT:

COME NOW Plaintiffs' Omar Hernandez and Ivan Gerardo Valdiviezo (collectively "Plaintiffs"), and Defendants' MN Logistic, Inc. and Clarence Guy (collectively "Defendants"), and submit their Stipulation of Voluntary Dismissal, pursuant to Rule 41(a) (1) of the Federal Rules of Civil Procedure, as follows:

WHEREAS, Plaintiffs, filed Plaintiffs' Original Petition on January 7, 2015 under Cause No. 2015DCV0037, and Citations upon the Defendants were issued on February 9, 2015; and

WHEREAS, On March 19, 2015, Defendants filed Notice of Removal pursuant to 28 U.S.C. §§1441 and 1446, based upon diversity of citizenship under 28 U.S.C. §1332; and

WHEREAS, Plaintiffs filed a complaint on May 7, 2015 under Cause No. 15-CV-079-PRM alleging negligence of Defendants, Respondeat Superior, and damages; and

WHEREAS, on December 12, 2015, the Parties mediated the Cause No. 15-CV-079-PRM and were able to reach an agreement.

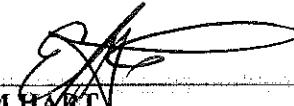
NOW, THEREFORE, The Parties agree and stipulate as follows;

1. Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the Parties jointly stipulate to the voluntary dismissal of this action with prejudice.

2. Defendants shall pay to Plaintiff Omar Hernandez the amount of FOUR HUNDRED THOUSAND DOLLARS (\$400,000.00) and Plaintiff Ivan Valdiviezo the amount of TWO HUNDRED THOUSAND DOLLARS (\$200,000.00). Plaintiffs agree to accept such payment in full and final satisfaction of any and all claims in this case.

3. The parties agree that the court will retain jurisdiction to enforce paragraph 2 of this Stipulation, if necessary.

Respectfully submitted,


JIM HART
State Bar No. 09147400
Western District I. D. No. 09147400
ELOY GAITAN
State Bar No. 00790730
Western District I. D. 00790730
8441 Gulf Freeway, Suite 60
Houston, Texas 77017
(713) 230-2200 Telephone
(713) 643-6226 Facsimile
PIDDept@williamskherkher.com - email
ATTORNEYS FOR PLAINTIFFS


Robert L. Ramey
Ramey, Chandler, Quinn & Zito, P.C.
Southern District No. 5535
State Bar No.: 16498200
750 Bering Drive, Suite 600
Houston, Texas 77057
Telephone: (713) 266-0074
Facsimile: (713) 266-1064
Email: rlr@ramey-chandler.com
ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

In compliance with Federal Rules of Civil Procedure, I certify that a true and correct copy of this document has been served on this the 28th of December, 2015 to all counsel of record.

Robert L. Ramey
Ramey Chandler Quinn & Zito, P.C.
750 Bering Drive, Suite 600
Houston, Texas 77057
Fax: (713) 266-1064
Email: rtr@ramey-chandler.com

Rincon Law Group
1014 North Mesa, Suite 200
El Paso, Texas 79902
Fax: (915) 532-6808
Email: crinson@rinconlawgroup.com

Humberto Enriquez
Enriquez Law Firm
1212 Montana Avenue
El Paso, Texas 79902
Fax: (915) 351-4339
Email: enriquezlawfirm@hotmail.com



ELOY GAITAN